

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Pamela Steward, et al.,

Case No. 3:17-cv-2119

Plaintiffs,

v.

ORDER

Seneca Re-Ad Industries, Inc.,

Defendant.

Plaintiffs have filed a motion for reconsideration of my denial of their motion to amend the complaint, (Doc. No. 33), without prejudice. (Doc. No. 36). Plaintiffs argue I should stay consideration of their motion to amend because denying it would require Plaintiffs to re-file the motion to amend at a later point at which the statute of limitations may have expired. (Doc. No. 36 at 3-4). They argue, in essence, that my denial of their motion would be “without prejudice” in name only.

While Defendant argues Plaintiffs’ motion is “deficient” because Plaintiffs failed to argue my earlier order was clearly erroneous, (Doc. No. 37 at 3), it is clear that justice in fact requires reconsideration of my decision. This is not a case in which the parties have litigated the matter once in the trial court, and again before the Court of Appeals. *See, e.g., Petition of U.S. Steel Corp.*, 479 F.2d 489, 494 (6th Cir. 1973). The law-of-the-case doctrine does not create any barrier to reconsideration of my earlier decision.

Defendant will not suffer any prejudice from reconsideration, as their brief in opposition to Plaintiffs' motion for leave to amend also remains on the docket, and the parties will be permitted to request supplemental briefing, if necessary, at the appropriate time.

Nor is the fact that Plaintiffs filed their motion to amend only days before the running of the limitations period one that warrants a different outcome. (*See* Doc. No. 37 at 3). Plaintiffs filed their motion within the period of time the law permitted.

Because I have reconsidered my earlier order, I need not consider Plaintiffs' alternative request for an order tolling the statute of limitations. (*See* Doc. No. 36 at 1).

For these reasons, I conclude my decision to deny without prejudice Plaintiffs' motion to amend the complaint, (Doc. No.33), was a clear error which would result in a manifest injustice. I order the Clerk of Court to renew the motion on the docket and stay any further briefing on the motion.

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge